

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

Case # 2:13-CV-01105-ES-SCM
10/3/13

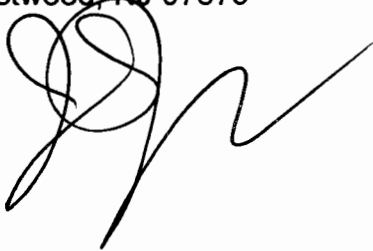
NOV 12 4 11 24
Clerk: William T. Walsh
US District Court
District of New Jersey
Martin Luther King and US Court House
50 Market Street
RM 4015
Newark, NJ 07101

Dear Mr. Walsh:

I have responded to the Summons from Malibu Media, LLC and Patrick Cerillo, LLC for Case # 2:13-CV-01105-ES-SCM. Attached is a copy of the response to Mr Cerillo. Please put a copy in my case file.

Thank You:

Joseph Fleming
35 1st Ave
Westwood, NJ 07675

A handwritten signature in black ink, appearing to be 'JF', with a long horizontal stroke extending to the right.

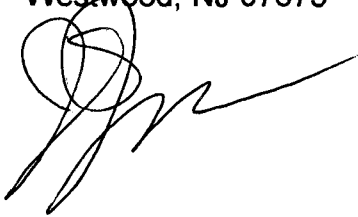
Patrick J Cerillo, Esq
Patrick J Cerillo, LLC
4 Walter Foran Blvd., Suite 402
Flemington, NJ 08822

On or around 9/10/13, I received a Summons letter from Patrick J Cerillo, Esq. in regards to case# 2:13-CV-01105-ES-SCM, Malibu Media, LLC Vs. Joseph Fleming, alleging my public IP address has been recorded taking part in copyright infringement activities. In light of this allegation, please advise your client the following:

1. I did not download/share the copyright protected movies in question.
2. I do not know who may have downloaded/shared the copyright protected movies in question.
3. The copyright protected movies in question are not on my computer.
4. As I do not have a contract or other agreement (Duty) to your client (or society in general regarding Internet security). I'm in no way negligently responsible for any alleged copyright infringement that may have occurred over the public IP address assigned to me by the Internet Service Provider (ISP).
5. Due to the various computer/network vulnerabilities that are constantly being discovered and exploited, it is also possible my computer and/or Internet connection was used without my knowledge or authorization. Note: Please see the following US Computer Emergency Response Team (US-CERT) Vulnerability Note VU#723755 (<http://www.kb.cert.org/vuls/id/723755>), detailing a vulnerability in the WiFi Protected Set-up (WPS) on many Internet access point devices.
6. As I have never received any Digital Millennium Copyright Act (DMCA) take-down notices for the alleged illegal download/sharing of the copyright protected movie(s) in question, I seriously question the sincerity of this legal action. If your client is truly serious about protecting their intellectual property, using this simple and cost-effective measure can help prevent future copyright infringement activity. If I had received a DMCA take-down notice through my ISP immediately following your firm recording my public IP address, I would have been able to check my Internet connection for records of rogue systems that may have used it without my authorization. As a large amount of time has passed since the alleged activity occurred, any records from my Internet access point are long gone. The current nature of small office/home network equipment does not support long-term logging.
7. If need be, I will fight you in court.

8. Please limit any relevant correspondence to US Post Office or similar means. Do not telephone me at any number (home, cell, work, etc.). Do not send any further Summons or Complaints, as this will be considered harassment.

Joseph Fleming
35 1st Ave
Westwood, NJ 07675

A handwritten signature in black ink, appearing to be 'J. Fleming', written over the printed name and address.